



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUN 03 1991

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GENERAL AND SPECIAL NOTICE LETTER
FOR REMEDIAL DESIGN/REMEDIAL ACTION (RD/RA)
URGENT LEGAL MATTER--PROMPT REPLY REQUESTED
CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Evode-Tanner Industries, Inc.
P.O. Box 1967
Greenville, S.C. 29602

RE: The Medley Farm Site (the "Site")
Gaffney, South Carolina

Dear Sir or Madam:

This letter notifies Evode-Tanner Industries, Inc. ("Evode") that it may be a liable party within the meaning of and as set forth in Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), as amended, with respect to the above-referenced Site.

As the enclosed Record of Decision details, the United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Site. EPA is considering spending public funds to abate the releases or threatened releases of hazardous substances, pollutants or contaminants by undertaking the response actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, unless the Agency determines that such action will be done properly by a potentially responsible party (a "PRP"). By this letter, EPA is notifying PRPs of the opportunity to perform the response activities outlined below.

In addition, this letter serves three other purposes: (1) to demand reimbursement of response costs that have been incurred at the Site, including interest thereon; (2) to notify Evode that a 60-day period of formal negotiations with EPA automatically begins upon receipt of this notice, which EPA has deemed to be three calendar days from the date of this letter; and (3) to provide general and site-specific documentation in order to assist Evode in the negotiation process. Such documentation includes a draft Consent Decree, a copy of the Record of Decision, and a draft Scope of Work. EPA reserves the



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right to make certain additional changes in the Consent Decree and Scope of Work prior to finalization of such documents.

NOTICE OF POTENTIAL LIABILITY

PRPs under CERCLA include: the current owners or operators of the Site; persons who at the time of disposal of hazardous substances owned or operated the facility; persons who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment of hazardous substances; and persons who accept or accepted any hazardous substance for transport to disposal facilities and selected such facilities.

Under CERCLA and other laws, potentially responsible parties may be liable for all funds expended by the United States government to take necessary corrective action at a site, including planning, investigation, cleanup and enforcement activities associated with a site. In addition, potentially responsible parties may be required to pay damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages.

Based on information received during litigation and the investigation of this Site, EPA believes that Evode is a generator of hazardous substances at the Site and a responsible party under Section 107 of CERCLA, 42 U.S.C. § 9607(a). Before the government undertakes further response actions, EPA requests that the PRPs voluntarily perform the work necessary to prevent any releases or threatened releases of hazardous substances from the Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA encourages good faith negotiations between Evode and EPA and between Evode and other PRPs regarding the response actions required at the Site. In accordance with Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA is providing as Enclosure A to this letter, a PRP information package which includes a list of names and addresses of other PRPs receiving this notification.

EPA has determined that a period of negotiation would facilitate settlement between EPA and the PRPs. Pursuant to Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), a 60-day moratorium on certain EPA response activities at the Site will begin seven calendar days from the date of this letter. During this 60-day period, the PRPs, including Evode, are invited to participate in formal negotiations with EPA and to negotiate a settlement providing for the PRPs to conduct or finance the Remedial

Design/Remedial Action ("RD/RA") at this Site. The 60-day negotiation period will be continued for an additional 60 days if, within the initial 60-day period, the PRPs provide EPA with a good faith offer to conduct or finance the RD/RA. If a settlement is reached between EPA and the PRPs within the 120 day moratorium period, the settlement will be embodied in a Consent Decree for the RD/RA.

Pursuant to Section 122(e)(4) of CERCLA, 42 U.S.C. § 9622(e)(4), if a good faith offer is not received within the initial 60-day notice period, EPA may take appropriate action at the Site. Moreover, EPA reserves the right to take action at any time at the Site in the event that a significant threat requiring EPA's immediate response arises.

A good faith offer is a written proposal which demonstrates the PRPs' qualifications and willingness to conduct or finance the RD/RA. A good faith offer to conduct or finance the RD/RA must include the following elements:

1. A statement of willingness by the PRPs to conduct or finance the RD/RA which is consistent with the draft Consent Decree, Scope of Work, and Record of Decision and which provides a sufficient basis for further negotiations.
2. A response to the terms of the draft Consent Decree and enclosed Scope of Work.
3. A demonstration of the PRPs' technical capability to carry out the RD/RA including the identification of the firm(s) that would be used to conduct the work or a description of the process that will be used to select the firm(s).
4. A demonstration of the PRPs' capability and willingness to finance the RD/RA.
5. A statement of the PRPs' willingness to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RD/RA.
6. The name, address and telephone number of the party or steering committee who will represent the PRPs in negotiations.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, EPA has compiled the administrative record which contains documents that form the basis of EPA's decision on the selection of a response action for the Site. This administrative record is open to the public for inspection and comment at the Cherokee County Public Library, 300 E. Rutledge Street, Gaffney, South Carolina and at the EPA Library, 345 Courtland Street, N.E., Atlanta, Georgia

DEMAND FOR PAYMENT

In accordance with CERCLA, EPA has already undertaken certain actions and incurred costs in response to conditions at this Site. Those response actions include oversight of the conduct of the Remedial Investigation/Feasibility Study (the "RI/FS"). The cost to date of the response actions performed at the Site through EPA funding which have not been reimbursed by the PRPs is approximately \$93,660.29. Pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, EPA hereby demands payment of the above-stated amount, together with any and all interest recoverable by law.

As stated above, EPA anticipates expending additional funds to conduct the RD/RA at this Site. Whether EPA funds the entire RD/RA or simply incurs costs in overseeing the parties conducting these response activities, Evode is potentially liable for these expenditures plus interest.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests. Certain of the PRPs at this Site formed a steering committee in connection with the conduct of the Remedial Investigation/Feasibility Study for the Site. This steering committee has been chaired by the law firm of King & Spalding, Atlanta, Georgia.

PRP RESPONSE AND EPA CONTACT PERSON

Section 122(e) of CERCLA, 42 U.S.C. § 9622(e) provides that Evode has 60 days to make a good faith offer to EPA. However, Evode is requested to contact EPA in writing within twenty (20) calendar days of the date of this letter to indicate whether Evode wishes to participate in negotiations to undertake or finance the RD/RA at this Site.

Evode may respond individually or through a steering committee if such a committee has been formed. Evode's letter should

include the appropriate person's name, address and telephone number for further contact with Evode.

If EPA does not receive a timely response, EPA will assume that Evode does not wish to negotiate a resolution of its liabilities in connection with the response, and that Evode has declined any involvement in performing these response activities. Evode may be held liable hereafter under Section 107 of CERCLA, 42 U.S.C. § 9607, for the cost of the response actions which EPA performs at the Site and for any damages to natural resources.

Evode's response to this notice letter should be sent to:

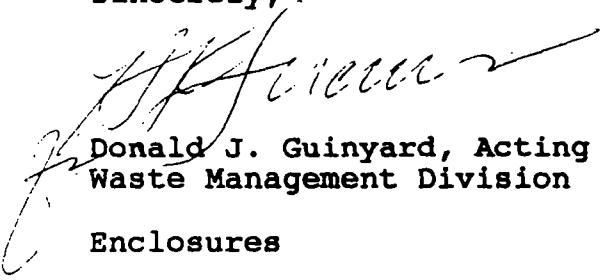
Elaine G. Levine
Assistant Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365
404/347-2641

If Evode has any legal questions pertaining to this matter, they should be directed to Ms. Levine. Questions of a technical nature only should be directed to Ralph Howard or Jon Bornholm, Remedial Project Managers, at 404/347-7791.

Due to the seriousness of the problem at the Site and the legal ramifications of Evode's failure to respond promptly, EPA strongly encourages Evode to give this matter its immediate attention and to respond within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Donald J. Guinyard, Acting Director
Waste Management Division

Enclosures

cc: South Carolina Department of
Health and Environmental Control

Adam Kushner, Esq.
U.S. Department of Justice

Mr. James Lee
Regional Environmental Officer
U.S. Department of the Interior

South Carolina Natural Resources Trustee

ENCLOSURE A

LIST OF POTENTIALLY RESPONSIBLE PARTIES
MEDLEY FARM SUPERFUND SITE, GAFFNEY, S.C.

1. Ralph Medley
Route 7, Box 197
Gaffney, SC 29340
2. Clyde Medley
Route 7, Box 197
Gaffney, SC 29340
3. Milliken & Company
P.O. Box 817
Inman, SC 29349
4. Unisphere Chemical Corporation
c/o Mr. Carlos Gutierrez
Route 4, Box 253-B
Spartanburg, SC 29304
5. National Starch & Chemical Corporation
Finderne Avenue
P.O. Box 6500
Bridgewater, NJ 08807
6. ABCO
P.O. Box 335
Roebuck, SC 29376
7. BASF Corporation
100 Cherry Hill Road
Parsippany, NJ 07054
8. Colonial Heights Packaging, Inc.
f/k/a Polymer Industries
c/o Nancy K. Peterson, Esq.
Quarles & Brady
411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497
9. Evode-Tanner Industries, Inc.
P.O. Box 1967
Greenville, SC 29602
10. Ethox Chemicals, Inc.
P.O. Box 5094
Greenville, SC 29606

11. McKesson Corporation
Law Department
One Post Street
San Francisco, CA 94104-5296
Attn: Dinah Szander, Esq.
12. Specialty Industrial Products, Inc.
P.O. Box 19390
Spartanburg, S.C. 29318
Attn: Mr. Michael Flanagan